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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,104	09/24/2001	Hilario S. Costa	87319.3060	5993
30734	7590	11/17/2004		
BAKER + HOSTETLER LLP WASHINGTON SQUARE, SUITE 1100 1050 CONNECTICUT AVE. N.W. WASHINGTON, DC 20036-5304			EXAMINER BLOUNT, ERIC	
			ART UNIT 2636	PAPER NUMBER

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,104

Applicant(s) **K**

COSTA ET AL.

Examiner

Eric M. Blount

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection. Below is a copy of the previous previously presented rejection mailed May 18, 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Apgar [U.S. Patent No. 3877005].

*As for **claims 1, 2, and 17**, Apgar teaches a manually operated pull-station for activating an alarm system. The pull-station comprises a housing, a manually actuated lever moveable between armed and activated positions, and a photographic or video camera mounted in the housing (column 1, lines 50-60 and column 2, lines 1-2).*

*Regarding **claims 3, 4, and 19**, it is inherent that the pull station comprises a local memory device for storage of image data from said camera. Apgar discloses the use of a television camera. It is well known in the art that television cameras contain local memory wherein video images are stored on some type of media such as videotape. If there were no memory for storage of the image data, the system would not function properly because someone would have to monitor the video feed at all times in order to identify the person who activated an alarm. If continuous monitoring of the video feed must take place then a guard standing by the alarm pull station would be just as effective and the system would not be needed. As for claim 4,*

it is also well known in the art that videotape or other memory media are removable. One of ordinary skill in the art would recognize that if videotape were used as storage means that the videotape could be removed from the camera and the stored image data could be viewed using a VCR.

*As for **claim 18**, Apgar teaches that the means for capturing an image captures an image when actuating means is actuated to the activated state (column 2, lines 15-18).*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 14, 16, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apgar. Apgar will be relied upon for the teachings as discussed above.

*As for **claims 5 and 6**, it is well known in the art that image capture devices can have several means for storage. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to provide a suitable means for storage of the image data captured by the video recording means. The type of hardware that a user would want to view the captured images with could determine a suitable type of data storage means. For further explanation of known image storage means, see Monroe (US20030025599) background.*

*As for **claims 14 and 15**, it is obvious that a camera would be provided with a lens that produces the best possible field of view. Further, it is known in the art that video cameras are equipped with zoom features. It would have been obvious to adjust the zoom to a desired viewing range.*

As for **claim 16**, Apgar teaches in Figure 2, that the video camera is located above the alarm lever. Pulling the alarm lever would not affect the view of the camera.

Regarding **claim 20**, Apgar teaches the steps of capturing image data in the vicinity of the pull station (column 2, lines 3-9). As noted above in claim 3, it is inherent that the system record captured image data.

As for **claim 21**, it was noted in the discussion of claim 4 that if data is captured then it is obviously inherent that one would be able to retrieve the stored information so that a person activating the alarm could be identified.

Claims 7-12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apgar as applied to the claims above, and further in view of Zellner et al [US20040088345].

As for **claims 7**, Apgar does not teach a data output port for communicating with a peripheral communication device.

In an analogous art, Zellner et al disclose a system wherein a panic button is pressed and a camera is actuated to snap still or video pictures (page 4, paragraphs 41 and 42). Also disclosed is the use of communications ports that allows the emergency system to communicate with attached peripheral devices (page 8, paragraph 72). This paragraph also teaches that the image data can be stored on compact disc or floppy disc. It is obvious that the communications port can be used to transfer image data to the peripheral device.

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to combine the teachings of the aforementioned inventors because a combination would result in a emergency notification that could provide and store information about the user that initiated an emergency signal.

As for **claims 8-10**, Zellner et al teach the use of a communications port. It is obvious that a port would be provided on the emergency station that could allow communication with a desired device. For example, if one wanted to communicate with a laptop computer, one would

want a port that is compatible with a laptop computer. Likewise, if one wanted to communicate with a pda or a desktop, an appropriate port would be provided.

*As for **claims 11-13**, Zellner et al teach that the emergency system can communicate with a peripheral device using a wire connection or a wireless connection (page 4, paragraph 43). Though Zellner et al does not specifically state that an infrared signal may be used for communication; one of ordinary skill in the art would know that infrared signals could provide suitable communication means. Infrared signals might be ideal in an arrangement wherein the user only wanted to communicate over a certain range or only wanted to communicate with an object in the line of sight. Further, there were several well-known communications means in the art at the time of the invention by the applicant [.] [T]he use of infrared signals could be viewed merely as a matter of design.*

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 14, and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apgar [U.S. Patent No. 3877005] in view of McCall et al [U.S. Patent No. 6002430]. Apgar will be relied upon for the teachings as discussed in the previous office action.

Regarding the **claims 1-4 and 17-19**, Apgar does not specifically disclose a fire alarm pull station, which includes a camera positioned to constrain blind spots. McCall teaches the use of wide-angle cameras with a lens that has a 180-degree field of view

(column 5, lines 1-5 and 22-26). This type of lens is used to eliminate blind spots. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to combine the fire alarm pull box with a camera positioned a distance away from the pull lever with the camera for viewing an 180 degree field of view as taught by McCall because it would result in a fire alarm box capable of monitoring an area surrounding a pull station while minimizing regions that would be blind to a typical camera.

As for **claims 5, 6, 14, 16, 20-23**, the teachings of Apgar as described in the previous office action along with the teachings of McCall et al described above appear to meet all of the limitations as set forth by the claims.

4. **Claims 7-12, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Apgar in view of McCall, as applied to the claims above, and further in view of Zellner et al [US20040088345].

The teachings of Apgar and Zellner from the previous office action along with the teachings of McCall as described above appear to meet all of the limitations as set forth by the claims. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to combine the wide-angle lens taught by McCall with the devices taught by Apgar and Zellner because a combination would result in a device capable of effectively monitoring the area around an alarm box. The use of the wide-angle lens would eliminate blind spots and thus provide better results to personnel monitoring the alarm box.

Conclusion

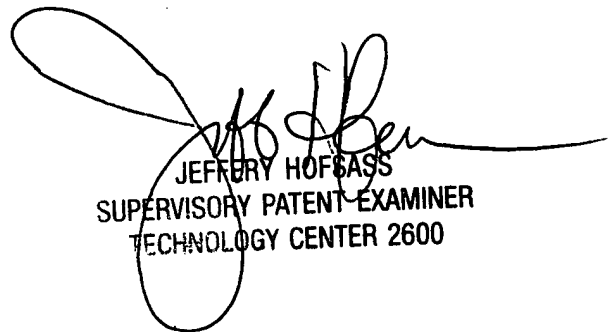
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount
Examiner
Art Unit 2636



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